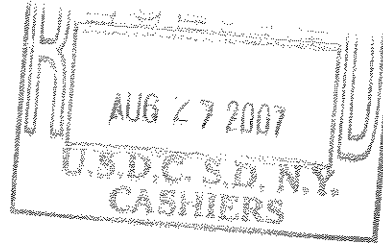


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*Attorneys for Plaintiff,
Cohen & Steers Capital
Management, Inc.*

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

COHEN & STEERS CAPITAL
MANAGEMENT, INC.,

Plaintiff,

v.

DONALD LEDERER,

Defendant.

07 CV 7602

**COMPLAINT
AND DEMAND FOR JURY TRIAL**

Civil Action No. _____

Plaintiff Cohen & Steers Capital Management, Inc. ("Cohen & Steers"), by its undersigned attorneys, for its Complaint in this action alleges as follows:

THE PARTIES

1. Cohen & Steers is a corporation organized and existing under the laws of the State of New York having its principal place of business at 280 Park Avenue, 10th Floor, New York, NY 10017.

2. On information and belief, Donald Lederer ("Defendant") is an individual having an address of 6104 N. 4th Street, Philadelphia, PA 19120.

JURISDICTION AND VENUE

3. This action arises under the Trademark Act of 1946, 15 U.S.C. §§ 1041, *et seq.*

4. The Court has subject matter jurisdiction over this action under 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338, and 1367.

5. This Court has personal jurisdiction over Defendant because Defendant has committed and threatens to commit trademark infringement and other torts in the United States and in this district; Defendant has caused injury to Cohen & Steers and its property in the United States and in this district; and Defendant has purposely and directly targeted its activities at the United States and at this district.

6. Venue is proper in this district under 28 U.S.C. § 1391.

COHEN & STEERS' TRADEMARK RIGHTS

7. Established in 1986 by its current co-chairmen and co-chief executive officers, Martin Cohen and Robert H. Steers, Cohen & Steers is a leading manager of high-income equity portfolios, specializing in United States Real Estate Investment Trusts ("REITs"), international real estate securities, preferred stocks, utilities and large cap value stocks.

8. Cohen & Steers is headquartered in New York City and has offices in Brussels, Hong Kong, London and Seattle.

9. Cohen & Steers serves individual and institutional investors through a wide range of open-end mutual funds, closed-end mutual funds and institutional separate accounts. As of June 10, 2007, Cohen & Steers had over \$34 billion in assets under management.

10. Cohen & Steers offers eleven (11) open-end mutual funds and eleven (11) closed-end mutual funds, all of which are sold under the COHEN & STEERS mark. All eleven (11) of

the close-end funds are listed on the New York Stock Exchange. More than three hundred fifty thousand (350,000) stockholders invest in the COHEN & STEERS branded funds.

11. Cohen & Steers is recognized as a pioneer in the field of REITs and, throughout its history, has been recognized as an innovator in developing income oriented equity portfolios and investment vehicles.

12. Since at least as early as July 1, 1986, Cohen & Steers has used its distinctive COHEN & STEERS trademark and trade name in United States commerce.

13. Cohen & Steers is the owner of United States Trademark Registration No. 2,959,826 for the mark COHEN & STEERS for “financial services; namely asset management and investment banking services.” That registration is based on use since at least as early as July 1, 1986. A printout of the United States Patent and Trademark Office’s Trademark Applications and Registrations Retrieval (“TARR”) Database Record for that registration is annexed hereto as Exhibit A.

14. Cohen & Steers also is the owner of United States Trademark Registration No. 2,639,925 for COHEN & STEERS REALTY MAJORS for “publications, namely, newsletters, news releases, white papers, books, pamphlets, and brochures in the field of real estate investments; compiling and disseminating an index on the values and performances of real estate investments; providing access to a database of information on real estate investments.” That registration is based on use since at least as early as April 1998. A printout of the United States Patent and Trademark Office’s TARR Database Record for that registration is annexed hereto as Exhibit B.

15. By reason of more than twenty (20) years of continuous and exclusive use, as well as Cohen & Steers' expenditure of millions of dollars for marketing and promotion, the COHEN & STEERS mark has come to be famous and to symbolize extensive goodwill throughout the United States and abroad.

16. Articles featuring Cohen & Steers have appeared in numerous publications, including The New York Times, Forbes, Barron's, Money, Smart Money, and Real Estate Portfolio. Representative examples of such articles are annexed hereto as Exhibit C.

17. Cohen & Steers provides information about its business and services to the public through its Web site posted at www.cohenandsteers.com, and in other ways customary in the trade.

18. On information and belief, .mobi is a top-level domain approved by ICANN that is dedicated to providing the Internet to mobile devices, including mobile telephones and handheld computers.

19. On information and belief, Defendant registered the domain name cohenandsteers.mobi on or about May 2, 2007. A copy of the Whois search results for that domain name are annexed hereto as Exhibit D.

20. On information and belief, Defendant has used and is using the domain name cohenandsteers.mobi to identify and attract attention to existing or planned businesses owned or operated by defendant and to interfere with and disrupt the business and operations of Cohen & Steers operating in United States commerce.

21. On information and belief, Defendant adopted and commenced use of the domain name cohenandsteers.mobi in bad faith, with full knowledge of Cohen & Steers' prior and longstanding use of COHEN & STEERS, and with specific intent to injure Cohen & Steers and to attempt to extort money from it.

FIRST CAUSE OF ACTION
(TRADEMARK INFRINGEMENT UNDER FEDERAL LAW)

22. Paragraphs 1-21, above, are realleged and reincorporated herein by reference as if set forth in full.

23. Defendant's use and threatened continued use of the domain name cohenandsteers.mobi is likely to cause confusion, to cause mistake and to deceive as to the source, origin or sponsorship of Defendant's business and services.

24. Defendant's use and threatened continued use of the domain name cohenandsteers.mobi constitutes a false designation of origin and a false description and representation of Defendant's business and services.

25. Defendant's use and threatened continued use of the domain name cohenandsteers.mobi has caused and threatens Cohen & Steers with irreparable injury for which it has no adequate remedy at law.

26. Defendant is liable to Cohen & Steers for violations of Section 43(a) of the Trademark Act, 15 U.S.C. § 1125(a).

SECOND CAUSE OF ACTION
(DILUTION UNDER FEDERAL LAW)

27. Paragraphs 1-26, above, are realleged and incorporated herein by reference as if set forth in full.

28. The conduct of Defendant is likely to injure Cohen & Steers' business reputation and dilute the distinctive quality of Cohen & Steers' famous COHEN & STEERS mark.

29. Defendant is liable to Cohen & Steers for dilution in violation of Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

THIRD CAUSE OF ACTION
(CYBERSQUATTING UNDER FEDERAL LAW)

30. Paragraphs 1-29, above, are realleged and incorporated herein by reference as if set forth in full.

31. Defendant is liable to Cohen & Steers for cybersquatting in violation of Section 43(d)(1)(A) of the Trademark Act, 15 U.S.C. § 1125(d)(1)(A).

FOURTH CAUSE OF ACTION
**(DECEPTIVE ACTS AND PRACTICES UNLAWFUL
UNDER NEW YORK STATE LAW)**

32. Paragraphs 1-31, above, are realleged and incorporated herein by reference as if set forth in full.

33. Defendant is liable to Cohen & Steers for deceptive acts or practices unlawful in violation of N.Y. Gen. Bus. Law § 349.

FIFTH CAUSE OF ACTION
(FALSE ADVERTISING UNDER NEW YORK STATE LAW)

34. Paragraphs 1-33, above, are realleged and incorporated herein by reference as if set forth in full.

35. Defendant is liable to Cohen & Steers for false advertising in violation of N.Y. Gen. Bus. Law § 350.

SIXTH CAUSE OF ACTION
**(INJURY TO BUSINESS REPUTATION AND DILUTION
UNDER NEW YORK STATE LAW)**

36. Paragraphs 1-35, above, are realleged and incorporated herein by reference as if set forth in full.

37. Defendant is liable to Cohen & Steers for violations of N.Y. Gen. Bus. Law § 360-1.

SEVENTH CAUSE OF ACTION
(UNFAIR COMPETITION UNDER NEW YORK COMMON LAW)

38. Paragraphs 1-37, above, are realleged and incorporated herein by reference as if set forth in full.

39. Defendant is liable to Cohen & Steers for unfair competition under New York Law.

EIGHTH CAUSE OF ACTION
(MISAPPROPRIATION UNDER NEW YORK COMMON LAW)

40. Paragraphs 1-39, above, are realleged and incorporated herein by reference as if set forth in full.

41. Cohen & Steers has a property interest in its name, reputation and goodwill which Cohen & Steers, at significant expense, has built up through its use, advertising and promotion of the COHEN & STEERS mark.

42. The conduct of Defendant is commercially immoral and constitutes an attempt to profit from the labor, skill, expenditures, name and reputation of Cohen & Steers.

43. Defendant is liable to Cohen & Steers for misappropriation under New York Law.

WHEREFORE, Cohen & Steers prays that the Court:

- (i) preliminarily and permanently enjoin Defendant's acts of trademark infringement, dilution, cybersquatting, unfair competition wrongful interference, prima facie tort and misappropriation;
- (ii) declare, adjudge and decree that Defendant's use of COHENANDSTEERS as part of any Internet domain name constitutes trademark infringement, dilution, cybersquatting, unfair competition wrongful interference, prima facie tort and misappropriation;
- (iii) award Cohen & Steers compensatory damages as provided by law;
- (iv) award Cohen & Steers statutory damages as provided by law;
- (v) award Cohen & Steers punitive damages as provided by law;
- (vii) award Cohen & Steers its costs, disbursements, and attorneys' fees incurred in bringing this action; and

(viii) award Cohen & Steers such other and further relief as the Court may deem just and proper.

Dated: New York, New York
August 27, 2007

Respectfully submitted,

GIBBONS P.C.

By: 

Catherine M. Clayton (CC5575)

GIBBONS P.C.

One Pennsylvania Plaza

37TH Floor

New York, NY 10119

Tel: 212.613.2071

Attorneys for Plaintiff,

Cohen & Steers Capital Management, Inc.

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-06-18 15:25:44 ET

Serial Number: 78410240 Assignment Information

Registration Number: 2959826

Mark

COHEN & STEERS

(words only): COHEN & STEERS

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-06-07

Filing Date: 2004-04-29

Transformed into a National Application: No

Registration Date: 2005-06-07

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-06-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Cohen & Steers Capital Management, Inc.

Address:

Cohen & Steers Capital Management, Inc.
280 Park Avenue

New York, NY 10017

United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

Phone Number: (212) 832 3232

GOODS AND/OR SERVICES

International Class: 036

Class Status: Active

Financial services; namely asset management and investment banking services

Basis: 1(a)

First Use Date: 1986-07-01

First Use in Commerce Date: 1986-07-01

ADDITIONAL INFORMATION

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identify Martin Cohen and Robert H. Steers, whose consent(s) to register are of record.

Prior Registration Number(s):

2639925

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-06-12 - Applicant/Correspondence Changes (Non-Responsive) Entered

2007-06-12 - TEAS Change Of Owner Address Received

2005-06-07 - Registered - Principal Register

2005-03-15 - Published for opposition

2005-02-23 - Notice of publication

2004-12-09 - Law Office Publication Review Completed

2004-12-09 - Assigned To LIE

2004-11-28 - Approved for Pub - Principal Register (Initial exam)

2004-11-26 - Assigned To Examiner

2004-05-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Alison J. Winick

Correspondent

Alison J. Winick

Simpson Thacher & Bartlett LLP

425 Lexington Avenue

New York NY 10017

Phone Number: 212-455-2276

Fax Number: 212-455-2502

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-06-18 15:27:16 ET

Serial Number: 75408516 Assignment Information

Registration Number: 2639925

Mark (words only): COHEN & STEERS REALTY MAJORS

Standard Character claim: No

Current Status: Registered.

Date of Status: 2002-10-22

Filing Date: 1997-12-19

Transformed into a National Application: No

Registration Date: 2002-10-22

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-11-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. COHEN & STEERS CAPITAL MANAGEMENT, INC.

Address:

COHEN & STEERS CAPITAL MANAGEMENT, INC.

280 Park Avenue

New York, NY 10017

United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 016

Class Status: Active

Publications, namely, newsletters, news releases, white papers, books, pamphlets, and brochures in the field of real estate investments

Basis: 1(a)

First Use Date: 1998-04-00

First Use in Commerce Date: 1998-04-00

International Class: 036

Class Status: Active

Compiling and disseminating an index on the values and performances of real estate investments; providing access to a database of information on real estate investments

Basis: 1(a)

First Use Date: 1998-04-00

First Use in Commerce Date: 1998-04-00

ADDITIONAL INFORMATION

Disclaimer: "REALTY"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-06-12 - Applicant/Correspondence Changes (Non-Responsive) Entered

2007-06-12 - TEAS Change Of Owner Address Received

2002-10-22 - Registered - Principal Register

2002-07-24 - Allowed for Registration - Principal Register (SOU accepted)

2002-07-19 - Assigned To Examiner

2002-07-19 - Assigned To Examiner

2002-07-19 - Assigned To Examiner

2002-07-18 - Statement of use processing complete

2002-06-25 - Amendment to Use filed

2002-06-27 - PAPER RECEIVED

2001-12-18 - Extension 1 granted

2001-12-04 - Extension 1 filed

2001-07-17 - Notice of allowance - mailed

2001-02-01 - Notice of Allowance canceled
2000-08-01 - Notice of allowance - mailed
1999-11-02 - Published for opposition
1999-10-01 - Notice of publication
1999-09-21 - Published for opposition
1999-08-20 - Notice of publication
1999-05-06 - Approved for Pub - Principal Register (Initial exam)
1999-05-03 - Previous allowance count withdrawn
1999-05-03 - Approved for Pub - Principal Register (Initial exam)
1999-03-30 - Communication received from applicant
1998-10-02 - Non-final action mailed
1998-08-28 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
GLENN A GUNDERSEN

Correspondent
Alison J. Winick
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York NY 10017
Phone Number: 212-455-2276
Fax Number: 212-455-2502

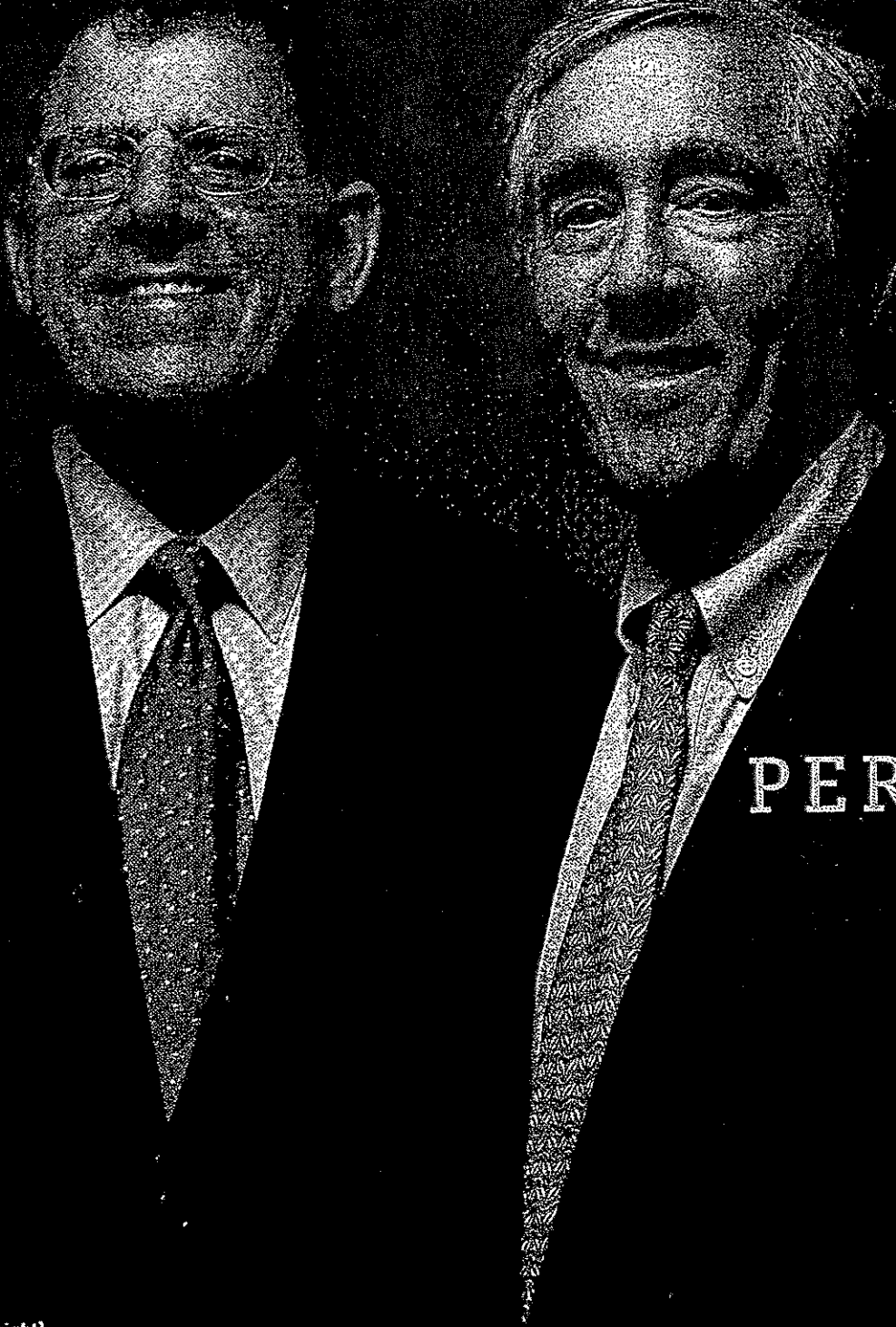
EXHIBIT C

real estate portfolio®

THE E ON AND REAL ESTATE INVESTMENT

DYNAMIC DUO

Martin Cohen
and Robert Stearns
shaped the
REIT investment
market for over
20 years — if they
have what it takes



PERFECT

(left to right)
Martin Cohen
and Robert Steers,
co-chairmen
and co-chief
executive officers
of Cohen &
Steers Inc.

P H O T O G R A P H S B Y J O H N E M E R S O N



EDITOR'S NOTE: Periodically, Portfolio sits down with prominent real estate leaders who have helped "pave the way" for the growth of the REIT and publicly traded real estate industry. These visionaries provide their unique take on where the industry has been, where it is now and, most importantly, where it is going.

pair

Martin Cohen and Robert Steers have helped shape the REIT investment market for the past 20 years and are now applying that expertise abroad. What have these REIT investment pioneers planned for the future? BY CHARLES KEENAN

M

MARTIN COHEN AND ROBERT STEERS have taken their well-regarded recipe for successful investing and added new ingredients: a good helping of overseas real estate securities and a dash of additional dividend-rich asset classes. Investors will probably like what they taste. The co-chairmen and chief executive officers of **Cohen & Steers, Inc.** (NYSE: CNS) have certainly made their mark in the world of REIT investing. Since starting their company 20 years ago, they have grown to become one of the largest investors in the REIT investment universe, amassing assets and steady returns along the way. The basic formula: invest in well-run REITs that have stable cash flow, and therefore, reliable dividends. Most of their REIT funds have outperformed the FTSE NAREIT U.S. Real Estate Index and the Standard & Poor's 500 Index over time. Now Cohen and Steers are bringing their discipline to REITs and other public real estate companies overseas, while also going after other securities that pay dividends, such as preferred stock, utilities and large capitalization value stocks.

Cohen and Steers are well poised for future success. The two met while working at Citibank in the 1980s and joined forces at National Securities and Research Corp. in 1985, organizing and managing the first real estate stock

fund. At the time, pension funds and endowments considered investment in public real estate companies "voodoo real estate," Steers recalls.

Bond funds were hot at the time, so the two had difficulty convincing salesmen to market alternative income producing investments such as a real estate mutual fund to institutional investors. A year later, they realized they would be better off running an independent company and beating down doors themselves. They started with sub-advisory contracts from National Securities, and rest is real estate history.

The company obtained its first institutional account in 1987, and by the end of 2003, Cohen & Steers was running five closed-end and four open-end real estate funds. Riding the updraft of real estate appreciation—and greater awareness of REITs by investors—the company went public the next year. Since then, it has launched another 10 funds, bringing its total to 19.

Expanding its real estate investment capabilities overseas, Cohen & Steers in December 2004 purchased a 50 percent stake in Houlihan Rovers, a Brussels-based investment manager specializing in non-U.S. real estate securities. Houlihan Rovers gave Cohen

& Steers in-depth coverage of markets such as France, Germany, Spain, the Netherlands and the United Kingdom. Cohen & Steers opened an office in Asia in April 2005, and, at press time, was set to open a London location.

No doubt, business is brisk. In August 2006, it launched Cohen & Steers Asia Pacific Realty Shares, its second non-U.S., open-end real estate securities fund. Its first overseas fund, dubbed Cohen & Steers International Realty Fund, debuted March 31, 2005, and had amassed \$950 million in assets. All told, inflows have maintained a steady pace, with total assets under management of the firm rising to \$23.2 billion as of June 30, 2006, up 17 percent from the same date 12 months earlier. All the good news has translated to big gains for the firm's stock. In the two years since its debut, it has doubled in price, trading in mid-August 2006 at approximately \$26 per share.

Portfolio sat down with Martin Cohen and Robert Steers to hear about their early career accomplishments and challenges, the state of the real estate market globally and what's behind their success as co-leaders of the largest manager of REIT mutual fund portfolios.

